

AN ACT

relating to the administration of the newborn screening program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 33.004(f), Health and Safety Code, is amended to read as follows:

(f) The executive commissioner by rule shall ~~[may]~~ establish the amounts charged for newborn screening fees, including fees assessed for follow-up services, tracking confirmatory testing, and diagnosis. In adopting rules under this subsection, the executive commissioner shall ensure that amounts charged for newborn screening fees are sufficient to cover the costs of performing the screening.

SECTION 2. Subchapter B, Chapter 33, Health and Safety Code, is amended by adding Section 33.019 to read as follows:

Sec. 33.019. NOTICE OF COST AND CLAIM PROCESS. (a) The department shall publish on its Internet website the cost of and instructions on the full claim and reimbursement process for a newborn screening test kit to be used to comply with the test requirements of Section 33.011.

(b) The department may change the cost published under Subsection (a) not later than the 90th day before the date the department publishes notice of the change on its Internet website. If the department changes the cost under this subsection, the department shall retain a record of the previous cost until the

1 first anniversary of the date of the change.

2 SECTION 3. Chapter 33, Health and Safety Code, is amended by
3 adding Subchapter D to read as follows:

4 SUBCHAPTER D. NEWBORN SCREENING PRESERVATION ACCOUNT

5 Sec. 33.051. DEFINITION. In this subchapter, "account"
6 means the newborn screening preservation account established under
7 Section 33.052.

8 Sec. 33.052. CREATION OF ACCOUNT. (a) The newborn
9 screening preservation account is a dedicated account in the
10 general revenue fund. Money in the account may be appropriated only
11 to the department and only for the purpose of carrying out the
12 newborn screening program established under this chapter.

13 (b) On November 1 of each year, the comptroller shall
14 transfer to the account any unexpended and unencumbered money from
15 Medicaid reimbursements collected by the department for newborn
16 screening services during the preceding state fiscal year.

17 (c) The account is composed of:

18 (1) money transferred to the account under Subsection
19 (b);

20 (2) gifts, grants, donations, and legislative
21 appropriations; and

22 (3) interest earned on the investment of money in the
23 account.

24 (d) Section 403.0956, Government Code, does not apply to the
25 account.

26 (e) The department administers the account. The department
27 may solicit and receive gifts, grants, and donations from any

1 source for the benefit of the account.

2 Sec. 33.053. DEDICATED USE. (a) The department may use
3 any money remaining in the account after paying the costs of
4 operating the newborn screening program established under this
5 chapter only to:

6 (1) pay the costs of offering additional newborn
7 screening tests not offered under this chapter before September 1,
8 2019, including the operational costs incurred during the first
9 year of implementing the additional tests; and

10 (2) pay for capital assets, equipment, and renovations
11 for the laboratory established by the department to ensure the
12 continuous operation of the newborn screening program.

13 (b) The department may not use money from the account for
14 the department's general operating expenses.

15 Sec. 33.054. REPORT. If the department requires an
16 additional newborn screening test under Subchapter B the costs of
17 which are funded with money appropriated from the newborn screening
18 preservation account, the department shall, not later than
19 September 1 of each even-numbered year, prepare and submit to the
20 governor, the lieutenant governor, the speaker of the house of
21 representatives, and each standing committee of the legislature
22 having primary jurisdiction over the department a written report
23 that:

24 (1) summarizes the implementation plan for the test,
25 including anticipated completion dates for implementing the test
26 and potential barriers to conducting the test; and

27 (2) summarizes the actions taken by the department to

1 fund and implement the test during the preceding two years.

2 SECTION 4. Section 1271.154, Insurance Code, is amended to
3 read as follows:

4 Sec. 1271.154. WELL-CHILD CARE FROM BIRTH. (a) In this
5 section, "well-child care from birth" has the meaning used under
6 Section 1302, Public Health Service Act (42 U.S.C. Section 300e-1),
7 and its subsequent amendments. The term includes administration of
8 newborn screening required by the [Texas] Department of State
9 Health Services and the cost of the newborn screening test kit
10 described by Section 33.019, Health and Safety Code.

11 (b) A health maintenance organization shall ensure that
12 each health care plan provided by the health maintenance
13 organization includes well-child care from birth that complies
14 with:

15 (1) federal requirements adopted under Chapter XI,
16 Public Health Service Act (42 U.S.C. Section 300e et seq.), and its
17 subsequent amendments; and

18 (2) the rules adopted by the executive commissioner
19 [Texas Department] of the Health and Human Services Commission to
20 implement those requirements, including rules on the cost of the
21 newborn screening test kit described by Section 33.019, Health and
22 Safety Code.

23 SECTION 5. Section 1367.003, Insurance Code, is amended to
24 read as follows:

25 Sec. 1367.003. CERTAIN LIMITATIONS ON COVERAGE FOR NEWBORN
26 CHILDREN PROHIBITED. A health benefit plan that provides maternity
27 benefits or accident and health coverage for additional newborn

1 children may not be issued in this state if the plan excludes or
2 limits:

3 (1) initial coverage of a newborn child for a period of
4 time; ~~or~~

5 (2) coverage for congenital defects of a newborn
6 child; or

7 (3) coverage for administration of the newborn
8 screening tests required by Section 33.011, Health and Safety Code,
9 including for the cost of a newborn screening test kit in the amount
10 provided by the Department of State Health Services on its Internet
11 website under Section 33.019 of that code on the date the test was
12 administered.

13 SECTION 6. As soon as practicable after the effective date
14 of this Act, the executive commissioner of the Health and Human
15 Services Commission shall adopt rules necessary to implement this
16 Act.

17 SECTION 7. Notwithstanding Section 33.054, Health and
18 Safety Code, as added by this Act, the Department of State Health
19 Services shall submit the first report required by that section not
20 later than December 1, 2019.

21 SECTION 8. Section 33.019, Health and Safety Code, as added
22 by this Act, and Sections 1271.154 and 1367.003, Insurance Code, as
23 amended by this Act, apply only to a health benefit plan delivered,
24 issued for delivery, or renewed on or after January 1, 2020. A
25 health benefit plan delivered, issued for delivery, or renewed
26 before January 1, 2020, is governed by the law as it existed
27 immediately before the effective date of this Act, and that law is

1 continued in effect for that purpose.

2 SECTION 9. This Act takes effect September 1, 2019.

President of the Senate

Speaker of the House

I hereby certify that S.B. No. 747 passed the Senate on April 11, 2019, by the following vote: Yeas 31, Nays 0; and that the Senate concurred in House amendments on May 23, 2019, by the following vote: Yeas 31, Nays 0.

Secretary of the Senate

I hereby certify that S.B. No. 747 passed the House, with amendments, on May 14, 2019, by the following vote: Yeas 139, Nays 0, two present not voting.

Chief Clerk of the House

Approved:

Date

Governor